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IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1980

No. 79-5602

FEODOR FEDORENKO, Petitioner

V.

UNITED STATES OF AMERICA, Respondent

OBJECTION OF PETITIONER, FEODOR FEDORENKO, TO MOTION OF THE ANTI-DEFEMATION LEAGUE OF B'NAI B'RITH, AMERICAN JEWISH COMMITTEE, AMERICAN FEDERATION OF JEWISH FIGHTERS, CAMP INMATES AND NAZI VICTIMS, INC., AND NATIONAL JEWISH COMMUNITY RELATIONS ADVISORY COUNCIL FOR LEAVE TO FILE BRIEF AMICUS CURIAE

Petitioner, Feodor Fedorenko, objects to the Motion of the Anti-Defamation League of B'nai B'rith, American Jewish Committee, American Federation of Jewish Fighters, Camp Inmates and Nazi Victims, Inc., and the National Jewish Community Relations Advisory Council (hereinafter collectively known as and referred to as Anti-Defamation League, et al) for Leave to File a Brief Amicus Curiae on the following grounds:

1. The movant failed to state an adequate reason for consent of the Petitioner to file its Brief.

LAW OFFICES
CELENTANO & GILDEA
265 CHURCH STREET
NEW HAVEN, CONN. 06510

2. All facts and questions relative to the fundamental issues of this action have been adequately presented to the Court by the parties.

3. The interest of the Anti-Defamation League, et al, as disclosed in their Motion, are no more than remote interests in the issues actually involved in this litigation.

4. The issues which the Anti-Defamation League, et al seek to discuss in their Brief Amicus Curiae are, at most, issues collateral to the issues actually involved in this proceeding.

5. The Motion and Amicus Curiae Brief submitted by the Anti-Defamation League, et al contain sensitive and superfluous facts which are designed to affect and inflame the reader on issues which are not before this Court.

In their Motion for Leave to File Brief Amicus Curiae, the Anti-Defamation League, et al state on page ii: "The American Federation of Jewish Fighters, Camp Inmates and Nazi Victims, Inc. is a roof organization, encompassing other survivor groups and organizations. It was organized ten years ago fro the purpose of perpetuating the memory of the Jewish people who perished in the Holocaust at the hands of the Nazis.".

The words contained in the above-quoted passage are similar to the words and language of the Brief Amicus Curiae of the American Jewish Congress, which is also objected to. They are designed to elicit strong emotional feelings from the reader on a highly sensitive subject matter, which is not an issue before this Court.

LAW OFFICES
CELENTANO & GILDEA
265 CHURCH STREET
NEW HAVEN, CONN. 06510

As stated in Petitioner's objection to the American Jewish Congress' Motion for Leave to File Amicus Curiae Brief, such facts are unnecessary, and have already been discussed and developed at length during the lower Court's proceedings. They do not bear a re-introduction to the Court at this time. Furthermore, such facts do not form the basis for this appeal.

So that the Court will understand that Petitioner is not seeking to eliminate from these proceedings another Amicus Curiae Brief, which would be a helpful discussion of the Federal law involved in this case, the following paragraphs contained on page 4 of the Brief Amicus Curiae of the Anti-Defamation League, et al are respectfully reprinted below:

> "The Treblinka concentration camp, where Fedorenko served, was perhaps the most efficient cog in the Nazi's murder machine. At Treblinka alone more than one million people were sent to the gas chambers. Treblinka was cold calculated genocide; its sole purpose was death. No survivors were intended.
>
> Treblinka was exclusively a camp for Jews. It was part of "Einsatz Operation Reinhard," named for Reinhard Heydrich, the mastermind of the "Final Solution" for the Jewish people. Mechanically, efficiently, Jews were herded to Treblinka, six thousand a day beginning July 23, 1942. A party was held to celebrate the one-millionth arrival. During the year Fedorenko served as a guard at Treblinka, three quarters of a million Jews were killed."

Such language is not relevant to the issues before this Court, and does not present an Amicus Curiae, as that term is generally intended. The Petitioner's and Respondent's sole purpose in this action is to have the Court rule upon questions relative to the denaturalization of an American citizen, and not

LAW OFFICES
CELENTANO & GILDEA
265 CHURCH STREET
NEW HAVEN, CONN. 06510

to review facts pertaining to atrocities committed by a sick society during the dary days of World War II, as expounded upon by the Amici.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the Motion for Leave to File Brief Amicus Curiae of the Anti-Defamation League, et al should be denied.

RESPECTFULLY SUBMITTED,

BRIAN M. GILDEA
Celentano & Gildea
265 Church Street
New Haven, Connecticut 06510

LAW OFFICES
CELENTANO & GILDEA
265 CHURCH STREET
NEW HAVEN, CONN. 06510

CERTIFICATION

This is to certify that the original and twelve copies of the foregoing Objection were mailed, postage prepaid, this 13th day of August, 1980 to Michael J. Rodak, Jr., Clerk of the United States Supreme Court, Washington, D. C. 20025.

BRIAN M. GILDEA

LAW OFFICES
CELENTANO & GILDEA
265 CHURCH STREET
NEW HAVEN, CONN. 06510